IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5646 OF 2005

Rukhmini Pandurang Jathar ...Applicant
Vs.
The State of Maharashtra ...Respondent

Shri. Vikas Shivarkar for the Applicant.
Shri. R. Y. Mirza, A.P.P. for the Respondent.

CORAM : A.S.OKA, J.
DATED : SEPTEMBER 06, 2005.

P.C.:

1. Heard the Advocate appearing for the Applicant and the learned A.P.P. for the State. The Applicant is the mother-in-law of the deceased. The offence registered is under section 302, 304-B, 498-A, and 201 read with section 34 of the Indian Penal Code. The Advocate appearing for the Applicant submitted that there is no material available against the Applicant for connecting the Applicant with the offence. He pointed out that the Applicant is a fourty-nine years old married woman and the Applicant is in custody from 07th May, 2005. He submitted that after filing of chargesheet, custody of the Applicant cannot be continued.

2. The learned A.P.P. has placed on record the relevant material against the Applicant. He pointed out the statement of the father of the deceased. He submitted that the father of deceased has stated that the deceased informed him that the Applicant had assaulted her. He placed reliance on the statement of one more witness Sudam who has stated about the

assault by the Applicant.

3. I have considered the submissions. So far as statement of the father of the Applicant is concerned, the F.I.R. filed by the maternal grandfather of the deceased discloses that the father of the deceased is mentally handicapped person. Statement of the other witness Sudam discloses that the incident of assault by the Applicant is one year prior to date of recording his statement dated 08th May, 2005. The prosecution is relying upon alleged confessional statement of co-accused who is the husband of the deceased. At this stage, there is no material on record to show any act of cruelty on the part of the Applicant soon before the death of the deceased. The available material appears to be against the husband of the deceased and the husband of the Applicant. It is important to note that the Applicant is fourty-nine years old house-wife who is in custody for last more than three months. Chargesheet is already filed. These are the factors which make out a case for grant of bail. Hence, following order is passed:

: O R D E R :

i) The Applicant shall be enlarged on bail in connection with C.R. No. 104 of 2005 registered with Loni Kalbhor Police Station, Pune subject to

furnishing a personal bond of Rs.10,000/- with one or two sureties in the like amount.

ii) The Bail is granted subject to condition that the Applicant will report to the concerned Investigating Officer on every Sunday till the conclusion of the trial.

iii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

iv) The Applicant shall co-operate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vi) Application is disposed of in the above terms.

vii) The parties to act upon an authenticated copy of this order.

JUDGE